

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARIN-ANDRES GERARDO,

Plaintiff,

v.

STATE OF WASHINGTON, *et al.*,

Defendants.

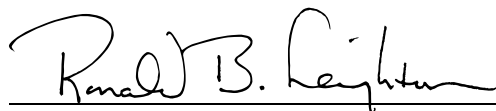
No. C10-5163 RBL/KLS

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and **ORDER**:

- (1) The Court adopts the Report and Recommendation.
- (2) This action is **DISMISSED without prejudice** prior to service for failure to state a claim.
- (3) Plaintiff's motion for leave to proceed *in forma pauperis* (Dkt. 3) is **DENIED**.
- (4) The Clerk is directed to send copies of this Order to Plaintiff, counsel for any Defendants who have appeared, and to the Hon. Karen L. Strombom.

DATED this 2nd day of July, 2010.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE